



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

☒ Specific Waiver

SUBJECT Request by Mesa Union School District to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 7-5-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district only claim hours of apportionment for summer school (EC 37252, 37252.5, 37252.6 and 42239) on the basis of the hours certified under Criteria One of this waiver request. This will also serve as notice to the school district that the approved waiver is being forwarded to the California Department of Education (CDE), School Fiscal Services Division that gathers supplemental hourly data and is responsible for K-12 audit procedures and oversight.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION /ACTION

Whether or not a summer school session exceeds four hours in duration is one of the criteria used to determine compliance with at least two of the four statutory waiver criteria. Since it is possible a school district may contest this condition, the waivers are going to the State Board of Education Action Calendar.

SUMMARY OF KEY ISSUES

Education Code (EC) Section 49550 states that each needy child who attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following district has requested a waiver of EC Section 49550 for the summer of 2004, certifying their compliance with required conditions necessary to obtain a summer school meal waiver. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met *at least two* of the following four criteria:

Criteria One: The summer school session is of less than four hours in duration and is completed by noon, allowing pupils to go home during the lunch period.

Criteria Two: Less than 10 percent of needy pupils attending the summer school session are at the schoolsite for more than three hours per day.

Criteria Three: A Summer Food Service Program for Children site is available within the school attendance area.

Criteria Four: Serving meals during the summer school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating costs.

The Mesa Union School District included in this waiver package meets Criteria Four, the financial loss. For Criteria One, the school district plans to offer a summer school session that is in excess of three hours and less than four hours in duration (8:15-11:30 which is 3 hrs 15 minutes).

The Department added a condition that for summer school (EC 37252, 37252.5, 37252.6 and 42239) apportionment purposes, the time certified under Criteria One cannot be exceeded. Further, the condition will serve as notice that such approvals are being forwarded to the CDE School Fiscal Services Division for potential monitoring of the mandate and waiver approval.

Authority for the Waiver: *Education Code (EC) Section 49548.*

Bargaining unit(s) consulted on date(s): Not required for summer school waivers.

Position of bargaining unit(s) (choose only one): Not required for summer school waivers.

☐

Neutral

☐

Support

☐

Oppose

Name of bargaining unit(s)/representative(s): Not required for summer school waivers.

Local board approval date(s): 05/11/04

Period of request: 06/21/04 to 07/19/04

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.